

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Patel Rajan
DOCKET NO.: 05-01738.001-R-1
PARCEL NO.: 03-06-403-072

The parties of record before the Property Tax Appeal Board are Patel Rajan, the appellant, and the DuPage County Board of Review.

The subject property has been improved with a part one-story and part two-story single family dwelling of frame and masonry exterior construction. The dwelling is three years old and contains 3,366 square feet of living area. Features include a full unfinished basement, central air conditioning, a fireplace, and an attached two-car garage of 493 square feet of building area. The property is located in Itasca, Addison Township, DuPage County, Illinois.

The appellant appeared before the Property Tax Appeal Board arguing that the fair market value of the subject property was not accurately reflected in its assessed value. Additionally, and of primary concern, appellant disputed the square foot living area of the dwelling as recorded by the assessing officials.

In support of the dwelling's square footage, appellant testified and presented both a plat of survey and an appraisal to support his claim. The plat of survey sets forth measurements two places past the decimal point for the footprint of the dwelling, but there is no total calculation of square footage of this part one-story and part two-story dwelling stated on the plat. Furthermore, no one with expertise was present to testify with regard to the measurements set forth on the plat of survey or what the total dwelling square footage would be based upon these measurements. As to the appraisal which appellant filed, it indicates the dwelling has 3,075 square feet of living area. However, the appraiser who prepared the report was not present to testify. In his brief, appellant contended the subject property consists of 3,101 square feet of living area. In testimony, the

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	50,790
IMPR.:	\$	129,590
TOTAL:	\$	180,380

Subject only to the State multiplier as applicable.

PTAB/cck/6-17

appellant indicated as part of the signed contract for construction of the dwelling the builder's measurements were 3,231 square feet of living area. In further testimony, appellant indicated the base square footage of the dwelling was 2,922 square feet and the appellant purchased the addition of an extended family room, thus increasing the size by another 160 square feet, for a total of 3,082 square feet.

With regard to the dwelling's square footage, the board of review presented the testimony of Dawn Aderholt from the Addison Township Assessor's Office. Exterior measurements were the assessor's customary method for determining square footage of living area. Given the appellant's contention in this appeal that the living area square footage was in error, the assessing officials re-measured the subject property with the appellant present on April 11, 2006. In doing that measurement, Aderholt advised the appellant of some measuring discrepancies with the data shown by appellant's appraiser. For instance, on one length of the dwelling, the measurement was found to be 45' 10" which the appraiser rounds up to 46' whereas the appraiser's sketch had a measurement as 43' for this same area. Through the course of the re-measurement by the assessor's office, an error regarding a tandem garage was discovered and caused a reduction of 16 square feet to the size of the dwelling from the assessor's previous measurement. Thus, Aderholt testified that her more recent measurements found 3,366 square feet of living area, although previous records had the dwelling as having 3,382 square feet.

In testimony, the appellant expounded that in his subdivision, there were four types of model homes and 62 properties. He contends that his model home was the second most expensive of the options and the builder's advertisements indicated the top end model had 3,360 square feet. Therefore, the appellant cannot comprehend how the subject property could be said to have 3,366 square feet of living area, thus exceeding the size of the "top end" model. Moreover, appellant reiterated that the appraiser was asked to reconfirm the measurements after the assessor re-measured the subject property; the appraiser having done so, appellant testified that the appraiser re-confirmed the interior living area measurements of the subject property as 3,075 square feet.¹

¹ Appellant also advised that the appraiser could be brought to hearing on another date to testify. Appellant acknowledged that he did not seek to have the appraiser and/or builder present for the hearing as currently scheduled and then requested a continuance to present those witnesses. The Hearing Officer denied the continuance request since the appellant did not show good cause why the appraiser and/or builder were not present for the hearing (Official Rules of the Property Tax Appeal Board, Section 1910.67(i)) and, more importantly, the appellant indicated the appraiser's testimony would concern interior measurements, which is not the basis for determining living area square footage for purposes of assessment.

Given the appellant's arguments that he did not receive information from the township assessor regarding the measurements taken, the Hearing Officer ordered the production to the appellant and the Board of a copy of the schematic depicting the measurements taken of the subject and the total square footage calculation. Said document was marked as board of review exhibit 1.

The Property Tax Appeal Board finds the best evidence in this record of the living area square footage of the subject dwelling is the testimony of and measurements presented by the township assessor. The appellant's various documents with varying measurements of the subject property cannot overcome testimony of the assessing official who went to the dwelling, measured it in response to the appellant's concerns that the size was incorrect, and indicated the living area square footage. The appellant had no compelling first-hand evidence to refute the assessor's evidence of the living area square footage.

In support of his overvaluation argument, the appellant filed an appraisal with the Property Tax Appeal Board and also provided two sales comparables on a grid analysis. In addition, the appellant noted that he purchased the subject property in August 2003 for \$467,323.

In examining the appraisal, it appears that the appraiser used two of the three traditional approaches to value in concluding an estimated market value of \$490,000 for the subject property as of July 14, 2003. The stated purpose of the appraisal was for use in a mortgage finance transaction. The report indicates the sales comparison approach was given the most weight in the final estimate of market value with supporting weight from the cost approach. In the cost approach, the appraiser estimated a site value of \$80,000 with an estimated reproduction cost new of the improvements, including a dwelling of 3,075 square feet of living area, the basement of 1,611 square feet, and a garage of 501 square feet of building area, of \$403,185 plus site improvements of \$8,000 for a total indicated value by the cost approach of \$491,185. Under the sales comparison approach, the analysis consisted of three comparables located within two blocks of the subject. These comparables were described as two-story, frame or frame and masonry dwellings containing from 2,621 to 3,128 square feet of living area. The properties featured full unfinished basements, a fireplace, central air conditioning, and a two or three-car garage. Comparable number 3 was noted as the same model home as the subject property. The sales occurred from March to May 2003 and ranged in value from \$480,000 to \$509,114 or from \$158.67 to \$183.14 per square foot of living area, including land. The appraiser made adjustments to the comparables for lot size, exterior construction, living area

square footage, garage size and amenities such as fencing and Jacuzzis, however, the appraiser was not at the hearing to explain the basis of these adjustments. In the sale comparison approach, the appraiser estimated a market value of \$490,000.

In the grid analysis, appellant set forth two comparables in the immediate vicinity of the subject property. The comparables were part one-story and part two-story, masonry or frame and masonry dwellings between three and five years old. The properties featured full finished basements, a fireplace, central air conditioning, and a garage of 567 square feet of building area. These properties sold in August 2002 and September 2003 for prices of \$460,515 and \$528,674 or \$149.03 and \$162.07 per square foot of living area, including land. The subject property's 2003 purchase price of \$467,323 divided by 3,366 square feet of living area results in a sale price of \$138.84 per square foot of living area, including land.

Based on these comparisons, the appellant felt that an assessment of \$170,340 was supported. This reduced assessment would result in an estimated fair a market value of approximately \$511,532 for the subject property based on the three-year median level of assessments of 33.30% for 2005 in DuPage County as determined by the Illinois Department of Revenue.

The Board of review presented its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$180,380 was disclosed. The subject's assessment reflects an estimated market value of \$541,682 or \$160.93 per square foot of living area, including land, using the 2005 three-year median level of assessments for DuPage County of 33.30%. In support of the subject's current assessment, the board of review presented a letter from the Addison Township Assessor's Office along with grids and property record cards.

In the letter, the assessor reiterated the re-measurement which occurred in response to the appellant's concerns. The assessor also indicated that in adhering to USPAP requirements, the assessor would not consider an appraisal done for financing for *ad valorem* tax purposes. Furthermore, the assessor criticized certain aspects of the appraisal report in terms of its value conclusion. In addition, the assessor noted that the appellant's five suggested sales comparables presented a sales price range of approximately \$148 to \$183 per square foot of living area, including land, with the subject having been purchased in 2003 for approximately \$139 per square foot of living area, including land. Since the subject's purchase price per square foot fell below the range of the appellant's own sales comparables, the assessor concluded that the appellant has failed to establish overvaluation.

In the sale comparison grid in support of the current assessment, the assessor set forth three comparables located within the same subdivision as the subject property along with the applicable property record cards. Board of review comparable number 1 is the same as comparable sale #3 utilized by the appellant's appraiser. These three comparables were two-story, frame or frame and masonry single family dwellings which were built in 2002 or 2004. The dwellings featured full, unfinished basements, central air conditioning, and garages of 430 or 506 square feet of building area. Two of the comparables included a fireplace. These comparables had 3,262 or 3,382 square feet of living area. The properties sold between March 2003 and October 2004 for purchase prices ranging from \$509,114 to \$532,286 or from \$150.54 to \$163.18 per square foot of living area, including land. Based on its analysis, the board of review requested confirmation of the subject's 2005 assessment.

In response to the appellant's evidence, the board of review also submitted a grid analysis detailing the three sales comparables set forth in the appellant's appraisal along with copies of the applicable property record cards. It is noted that for appraisal sales comparables #1 and #2, the living area square footage was incorrectly stated according to the applicable property record card. Appraisal sales comparable #1 had actually 2,575 square feet rather than 2,621 square feet. Appraisal sales comparable #2 was actually 3,352 square feet rather than 3,128 square feet and this dwelling also had a partially finished basement rather than an unfinished basement as reported by the appraiser. With the size changes and an error in the sales price of one of the properties, the board of review found appellant's appraisal sales comparables #1 and #2 to have sold for \$182.52 and \$148.07 per square foot of living area, including land.

Lastly, the board of review submitted a grid analysis detailing the two sales comparables presented by the appellant in his appeal petition. No substantial differences were noted in examining the data. However, appellant's sales comparable #2 which sold in August 2002 for \$460,515 was reported to have sold more recently in June 2006 for a purchase price of \$515,500 or \$166.83 per square foot of living area, including land.

After hearing the testimony and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.63(e). Proof of market value may consist

of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.65(c). The Board finds the appellant has not overcome this burden.

In the absence of the appraiser for the hearing to address questions as to the selection of the comparables and/or the adjustments made to the comparables in order to arrive at the value conclusion set forth in the appraisal, the Property Tax Appeal Board will consider only the appraisal's raw sales data in its analysis and give no weight to the final value conclusion made by the appraiser. The Board finds the appraisal report is tantamount to hearsay. Illinois courts have held that where hearsay evidence appears in the record, a factual determination based on such evidence and unsupported by other sufficient evidence in the record must be reversed. LaGrange Bank #1713 v. DuPage County Board of Review, 79 Ill. App. 3d 474 (2nd Dist. 1979); Russell v. License Appeal Comm., 133 Ill. App. 2d 594 (1st Dist. 1971). In the absence of an appraiser being available and subject to cross-examination regarding methods used and conclusions drawn, the Board finds that the appraisal conclusion of an estimated market value of the subject as of July 2003 of \$490,000, the weight and credibility of the evidence and opinion of value has been significantly diminished and cannot be deemed conclusive as to value of the subject property.

Turning now to the comparable sales in the record, the parties provided sales data on seven suggested comparables when considering the raw sales data presented in the appellant's appraisal, the appellant's grid of two sales, and the board of review's grid of three sales, along with elimination of duplication. It is noteworthy that the appraiser listed sale comparable #3 as having 3,075 square feet of living area while the board of review's same property as sale comparable #1 was said to have 3,382 square feet of living area; while both the appraiser and the board of review had the same purchase price, the price per square foot differs due to the stated size differences. Appellant's appraiser had sale #3 as being purchased for \$165.57 per square foot of living area, including land, while the board of review had the same property as purchased for \$150.54 per square foot of living area, including land. In light of the property record card for this property and the lack of the appellant's appraiser to testify and explain his size determination, the Board finds the figures provided by the board of review to be more substantiated in this record.

In analyzing these seven sales comparables, the Property Tax Appeal Board has given less weight due to differences in exterior construction from the subject property to appraisal sale

comparable #1, appellant's sale comparable #1, and board of review sale comparable #3. The Board finds the remaining four sales comparables to be most similar to the subject in age, style, features, and location.


These four properties had unadjusted sale prices ranging from \$460,515 to \$532,286 or from \$148.07 to \$163.18 per square foot of living area, including land. The subject property was purchased in August 2003 for \$467,323 or \$138.84 per square foot of living area, including land. The Property Tax Appeal Board further finds the subject's 2005 assessment reflects an estimated fair market value of \$160.93 per square foot of living area, including land, which is within the range established by these most similar comparable sales. Therefore, the appellant has failed to demonstrate overvaluation by a preponderance of the evidence and a reduction is not warranted based on the evidence presented.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman



Member



Member



Member




Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 27, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal

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Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.